

RESOLUTION NO. R-85-946

RESOLUTION APPROVING ZONING PETITION 83-95(A), Special Exception

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements as provided for in Chapter 402.5 of the Palm Beach County Zoning Code Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 83-95(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 25th April 1985; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 25th of April 1985, that Petition No. 83-95(A) the petition of HOWARD BAUER By Kevin McGinley, Agent for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A COMMERCIAL NEW AND USED SAILBOAT SALE AND REPAIR FACILITY AND LOT PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 83-95, TO ALLOW A COMMERCIAL NEW AND USED, AUTOMOBILE, TRUCK, BOAT, MOTORCYCLE, MOBILE HOME AND RECREATIONAL VEHICLE SALE AND RENTAL FACILITY AND LOT on a portion of Lots 1 through 4, inclusive, as shown on Drawing No. 67-448, dated October 4, 1967, as prepared by William G. Wallace, Inc., being more particularly described as follows:

Commencing at the intersection of the Westerly right-of-way line of State Road A1A (80 foot right-of-way) and the Northerly right-of-way line of Richard Road (66 foot right-of-way) as shown on the plat of

Kelsey Acres Plat No. 2, in Section 17, Township 42 South, Range 43 East, as recorded in Plat Book 24, Page 47, thence West along the Northerly right-of-way of Richard Road (the Northerly right-of-way line of Richard Road is assumed to bear West and all other bearings are relative thereto) a distance of 217.51 feet to a point of intersection with the Easterly right-of-way line of the FEC Railroad as now laid out and in use; thence North 22 degrees 38'00" West along said Easterly right-of-way line a distance of 136.29 feet to the Point of Beginning of the herein described parcel; thence continue North 22 degrees 38'00" West a distance of 100.42 feet to a point; thence radially North 53 degrees 11'28" East a distance of 127.57 feet to a point of intersection with the Westerly right-of-way line of said State Road A1A, said point being on the arc of a curve concave to the Southwest, having a radius of 5689.58 feet, a central angle of 01 degree 00'26" and a radial bearing at this point of North 53 degrees 11'28" East; thence Southeasterly along the arc of said curve and Westerly right-of-way line a distance of 100.02 feet to a point; thence radially South 54 degrees 11'54" West a distance of 151.30 feet to the Point of Beginning. Said property located on the west side of State Road A1A, approximately .4 miles north of Northlake Boulevard (S.R. 809A) in a CG-General Commercial District was approved as advertised subject to the following conditions:

1. Prior to site plan certification the site plan shall be amended to provide the following;

(a) an eight (8) foot perimeter chain-link fence.

(b) designation and signage for one-way ingress and egress or widening of access dimensions to twenty-five (25) feet.

2. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.

3. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

4. Any fuel or chemical storage tanks shall be installed with protection against leakage or spillage due to corrosion, breakage, structural failure or other means. The design and installation plans will be submitted to the Health Department for approval prior to installation.

5. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division.

6. The property owner shall convey for the ultimate right-of-way of SR A-1-A 55 feet west of the Base Line of Survey, approximately an additional 15 feet, within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit.

7. The Developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. Presently The Fair Share Fee for this project is \$338.00.

8. Lighting shall be directed away from adjacent properties and streets.

9. There shall be no outdoor storage of disassembled vehicles nor outdoor repair of vehicles.

10. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority Meeting.

11. Prior to site plan certification, the site plan shall reflect canopy trees, 8' to 10' in overall height, planted 25' on center along the south, east and west property lines.

Commissioner Wilken, moved for approval of the petition. The motion was seconded by Commissioner Owens, and upon being put to a vote, the vote was as follows:

Ken Adams, Chairman	--	AYE
Karen T. Marcus, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	ABSENT
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this day of **JUN 25 1985** confirming action of the 25th April 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Cheryl Beaupre
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Landy Sprague
County Attorney